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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,381	09/01/2000	Sadik Bayrakeri	DIVA/265	7076

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PATTERSON & SHERIDAN, LLP/  
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SHREWSBURY, NJ 07702

EXAMINER
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BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/653,381

Applicant(s)

BAYRAKERI ET AL.

Examiner

KIEU-OANH BUI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23, 25 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23, 25, 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-23, 25, and 28 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

3. Claims 1-10, 14, 16-17, 19-23, 25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludvig et al. (WO 00/05890) in view of Bruette (U.S. Patent 6,708,336 B1).

In regard to claim 1, Ludvig discloses producing a video frame sequence representing an interactive program guide IPG, where the encoding process of the produced video frame is performed within the head end of an information distribution system. Ludvig discloses receiving, from service provider equipment, objects comprising video slice encoded by a service provider, where the search object is for an interactive program guide (Page 4, Line 8 - Page 5, Line 12). Ludvig fails to explicitly disclose, "receiving one or more search criteria via user interaction with said search object", "sending a request for a search along with the one or more search criteria to a head end of an information distribution system", "receiving at least one search result from the service provider equipment" or that "the program guide database is searched at the service provider equipment"; however, Bruette teaches an exact same technique as within IPG program

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guide, the user can send a request and provides user-generated search criteria via user interaction with the search object (refer to Bruette, col. 2/lines 20-31; col. 3/lines 25-50 & col. 5/line 60 to col. 6/line 10). Therefore, it would have been obvious to one of ordinary skill in the art to modify Ludvig's system with Bruette's teaching technique in order to provide the user an interactive control by providing user-generated search criteria for objects/programs to search in the program guide.

In regard to claim 2, Bruette discloses displaying the search results (col. 3/lines 25-50).

In regard to claims 3-4, the claimed limitations of "highlighting a channel object on the displayed IPG page corresponding to one received search result" and "wherein the channel object is highlighted by placing a cursor on the channel object" are disclosed in Ludvig (See Page 18, Lines 13-33).

In regard to claim 5, the claimed method is met as follows: the claimed steps of "receiving an indication that the highlighted channel object has been selected; retrieving one or more streams associated with the selected channel object; and decoding the one or more retrieved streams to recover a selected program" are disclosed in Ludvig (See Page 20, Lines 3-13).

In regard to claim 6, Bruette discloses the user making selections with an input device (col. 5/lines 45-55).

In regard to claim 7, the Bruette discloses multiple searches and "Receiving an indication to view a next search result" and "displaying an IPG page included therein the next search result" is shown (col. 3/lines 25-50).

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In regard to claim 8, it is noted that the examiner interprets "one or more" to be written in the alternative, such that the limitation may be met by either one or more. Therefore, claim 8 met by that discussed above for claim 2.

In regard to claim 9, Ludvig discloses identifying IPG pages using packet identifiers (PIDs) (See Page 12, Line 32 - Page 13, Line 20).

In regard to claim 10, it is clear that the search engine of Bruette returns and for subsequent display only that which meets the search criteria (col. 5/line 60 to col. 6/line 10).

Claims 14 and 16 is met by that discussed for claim 1.

In regard to claim 17, Ludvig discloses program guide information source (See Page 7, Lines 13-21).

In regard to claim 19, Bruette discloses searching with one or more keywords (col. 6/line 41 to col. 7/line 40).

Claims 20 and 21 are met by those discussed for claims 1 and 4, respectively.

Claims 22 and 23 are met by those discussed for claims 6 and 2, respectively.

In regard to claim 25, Ludvig discloses the user of bitmaps (See Page 17, Line 27- Page 18, Line 7).

In regard to claim 28, Bruette shows to use keyboard/mouse for moving cursor position to activate/deactivate an object so as to provide the user with a graphical user interface that is easy to use (Bruette, col. 5/lines 46-55).

4. Claims 11-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludvig et al. in view of Bruette and further in view of Lemmons et al. (US Pat Pub No 2003/0115603).

In regard to claim 11, the combined teaching discloses a search tool that enables a user to search an electronic program guide. The combined teaching fails to explicitly disclose the step providing the search result in a particular order of relevance. Lemmons teaches providing search result in a particular order of relevance so as to allow the user to access programs of interest first (Paragraphs 0080-0088). Consequently, it would have been clearly obvious to one of ordinary skill in the art to modify the combined teaching with providing a search result in a particular order of relevance for the stated advantage.

In regard to claims 12 and 13, the combined teaching discloses a search tool that enables a user to search an electronic program guide. The combined teaching fails to explicitly disclose the step providing the search result base on show times where show time closest to present time is provided first and the search result having a scheduled show time furthest from the present time is provided last. Lemmons teaches providing the search result base on show times where show time closest to present time is provided first and the search result having a scheduled show time furthest from the present time is provided last so as to allow the user to access programs that will be starting at a time close to the present (Paragraph 0088). Consequently, it would have been clearly obvious to one of ordinary skill in the art to modify the combined teaching to provide the search result base on show times where show time closest to present time is provided first and the search result having a scheduled show time furthest from the present time is provided last for the stated advantage.

In regard to claim 15, the combined teaching discloses a search tool that enables a user to search an electronic program guide. The combined teaching fails to explicitly disclose that the search results are received as out-of-band data from the head end.

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The Lemmons reference teaches the use of transmitting data from the head end to the set top box on an out-of-band channel so as to provide a continuous feed transmission (Paragraph 0042). Therefore, it would have been clearly obvious to one of ordinary skill in the art to modify the combined teaching with search results that are received as out-of-band data from the head end for the stated advantage.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ludvig et al. in view of Bruette and further in view of Thomas et al. (US Pat No 5,666,645).

In regard to claim 18, the combined teaching discloses a search tool that enables a user to search an electronic program guide. The combined teaching fails to explicitly disclose that the program guide database that is searched is indexed. Thomas et al. teaches the indexing of a database so as to make entries easy to find. "The text fit process is a two stage process including a non-interactive background process that scans the database for work which needs to be done and interactive processes that scan for marked entries that are indexed and easy to find" (Col 7, Lines 27-31). Therefore, it would have been clearly obvious to one of ordinary skill in the art to modify the combined teaching with an indexed program guide database so as to make entries easy to find.

### ***Conclusion***

6. **Any response to this action should be mailed to:**  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to PTO New Central Fax number:**  
(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to "Krista" Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal line extending to the right.

Kieu-Oanh Bui  
Primary Examiner  
Art Unit 2623

KB.  
January 31, 2007